

CCRB INVESTIGATIVE RECOMMENDATION

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|---|---|---------------------------|--|---|---------------------------------|
| Investigator: Alexander Lai | Team: Team # 1 | CCRB Case #: 201401226 | <input type="checkbox"/> Force | <input checked="" type="checkbox"/> Discourt. | <input type="checkbox"/> U.S. |
| | | | <input type="checkbox"/> Abuse | <input checked="" type="checkbox"/> O.L. | <input type="checkbox"/> Injury |
| Incident Date(s) Sunday, 02/02/2014 8:00 AM | Location of Incident: 67th Precinct stationhouse | Precinct: 67 | 18 Mo. SOL 8/2/2015 | EO SOL 8/2/2015 | |
| Date/Time CV Reported Fri, 02/07/2014 10:16 AM | CV Reported At: CCRB | How CV Reported: Phone | Date/Time Received at CCRB Fri, 02/07/2014 10:16 AM | | |

| Complainant/Victim | Type | Home Address |
|--------------------|------|--------------|
| | | |

| Subject Officer(s) | Shield | TaxID | Command |
|-----------------------|--------|--------|---------|
| 1. POF Marilyn Vetter | 21838 | 946035 | 067 PCT |

| Witness Officer(s) | Shield No | Tax No | Cmd Name |
|------------------------|-----------|--------|----------|
| 1. POM Mane Milanovic | 17730 | 943568 | 067 PCT |
| 2. POF Yolanda Cubero | 18325 | 939777 | 067 PCT |
| 3. POM Jinchen Chen | 13427 | 934622 | 067 PCT |
| 4. POF Jessica Quiros | 24054 | 951101 | 067 PCT |
| 5. POF Patricia Murcia | 30813 | 919591 | 067 PCT |

| Officer(s) | Allegation | Investigator Recommendation |
|----------------------|---|-----------------------------|
| A.POF Marilyn Vetter | Discourtesy: PO Marilyn Vetter spoke rudely to § 87(2)(b) | |
| B.POF Marilyn Vetter | Off. Language: PO Marilyn Vetter made remarks to § 87(2)(b) based upon her sex. | |

Case Summary

§ 87(2)(b) filed this complaint with the CCRB over the telephone on February 7, 2014. On February 2, 2014, § 87(2)(b) was arrested by PO Mane Milanovic of the 67th Precinct and brought to the 67th Precinct stationhouse at 5:23 a.m. § 87(2)(b)'s subsequent interaction with an officer resulted in the following allegations:

- **Allegation A – Discourtesy: PO Marilyn Vetter spoke discourteously to § 87(2)(b)**
- **Allegation B – Offensive Language: PO Marilyn Vetter made remarks to § 87(2)(b)**

based upon her sex.

§ 87(2)(g)

This complaint was ineligible for mediation.

Results of Investigation

Civilian Statement

Complainant/ Victim: § 87(2)(b)

- See encl. for § 87(2)(b)'s pedigree information.

CCRB Testimony

In addition to § 87(2)(b)'s initial complaint narrative, she was interviewed at the CCRB on February 18, 2014 and she provided a phone statement on February 25, 2014. On May 1, 2014, she provided a written statement in a Personal Injury Claim Form (encl. C2-12). § 87(2)(g)

Subsequent to her arrest on February 2, 2014, at 5:23 a.m., at the 67th Precinct stationhouse, § 87(2)(b) was placed in an individual cell, which was separated from other individual cells by walls; the entrance to each cell was a metal gate. Sometime after 8:00 a.m., an officer identified by nameplate as PO Jinchun Chen of the 67th Precinct told her that she would be transported to Central Booking. PO Chen left the holding cell area. An officer, identified via investigation as PO Marilyn Vetter of the 67th Precinct, removed her from the holding cell and had her stand in the corner of the holding cell area; there were no other prisoners or officers present, and they were out of sight. PO Vetter was described as a uniformed white or Hispanic female in her 40s who stood 5'7" and had a slim build and brown or blonde hair.

PO Vetter told § 87(2)(b) that she had to be searched again. PO Vetter instructed her to remove her sweater to reveal her t-shirt. § 87(2)(b) asked why she needed to remove the sweater because she was previously searched and had remained in the holding cell the entire time. PO Vetter said quietly (under her breath), "Shut the fuck up, bitch" and then repeated the instruction. § 87(2)(b) complied and gave the sweater to PO Vetter, who ran her hands through the clothing. PO Vetter then told § 87(2)(b) to put her arms behind her back so that she could be handcuffed. § 87(2)(b) said that she suffered from a work-related shoulder injury and was unable to do so. PO Vetter repeated her command in a louder tone and then physically placed § 87(2)(b)'s arms behind her back and handcuffed her.

Shortly thereafter, PO Chen returned to the holding cell area and § 87(2)(b) complained to him of discomfort from the handcuffs. PO Vetter retrieved a second pair of

handcuffs and PO Chen used it to handcuff § 87(2)(b) with two pairs. PO Chen transported § 87(2)(b) to Central Booking.

NYPD Statements:

Subject Officer: PO MARILYN VETTER

- *See encl. J3 for PO Vetter's pedigree information and assignment.*

Memo Book

PO Vetter had no memo book entries regarding this incident (encl. J1-2).

CCRB Testimony

PO Vetter was interviewed at the CCRB on December 16, 2014 (encl. J4). She had no recollection of this incident. She was assigned as the T/S Operator and her assignment did not change. She did not recall searching or having a verbal interaction with a female prisoner at the stationhouse. She did not recall using profanity, including, "Shut the fuck up bitch," to a female prisoner. She did not observe an officer conduct said actions. She did not recall observing PO Quiros, PO Cubero, or PO Murcia interact, search, or speak with a female prisoner. PO Vetter did not recognize § 87(2)(b)'s arrest photograph during her interview. She affirmed that it was procedural for a prisoner to be searched prior to their removal to central booking, and that the desk sergeant would be responsible for assigning a female officer to search a female prisoner. PO Vetter did not recall the desk sergeant that day or if he or she requested her or an officer to search a female prisoner that day.

Witness Officer: PO YOLANDA CUBERO

- *See encl. F4 for PO Cubero's pedigree information and assignment.*

Memo Book

On February 2, 2014, at 7:50 a.m., PO Cubero arrived at the skywatch post on Martnese Street and Nostrand Avenue. Her next entry was made at 2:46 p.m., when a sergeant reviewed her memo book and signed it (encl. F1-3).

CCRB Testimony

PO Cubero was interviewed at the CCRB on April 29, 2014 (encl. F4-5). She had no recollection of this incident. At 7:50 a.m., she arrived at Martense Street and Nostrand Avenue to relieve PO James Holder and PO Boshoy Youssef of the skywatch post. PO Cubero remained at her post until 2:46 p.m., when a sergeant scratched off her memo book. She did not return to the 67th Precinct stationhouse in-between those times. She did not recall searching a female prisoner at the stationhouse during this incident. She did not use any profanity, including, "Shut the fuck up, bitch," towards a civilian and she did not hear an officer utter said remarks. PO Cubero was shown § 87(2)(b)'s arrest photograph, but PO Cubero did not recognize her.

Witness Officer: PO JINCHEN CHEN

- *See encl. G4 for PO Chen's pedigree information and assignment.*

Memo Book

On February 2, 2014, at 8:26 a.m., PO Chen transported a female prisoner at Bronx Central Booking (encl. G1-3).

CCRB Testimony

PO Chen was interviewed at the CCRB on May 23, 2014 (encl. G4-5). He had no recollection of this incident. Other than what he noted in his memo book, he did not recall any further circumstances regarding the transport of a female prisoner. He did not recall speaking with § 87(2)(b) including that she needed to be searched prior to being transported to Central Booking. He did not recall who searched § 87(2)(b) prior to her transport. He did not hear an officer use profanity, including, “Shut the fuck up, bitch,” towards § 87(2)(b). PO Chen was shown § 87(2)(b)’s arrest photo and arrest log in the command log during the interview, but neither document refreshed his memory regarding this incident.

Witness Officer: PO JESSICA QUIROS

- See encl. H4 for PO Quiros’ pedigree information and assignment.

Memo Book

PO Quiros had no memo book entries regarding this incident. On February 2, 2014, after signing in for duty, she resumed patrol at 7:38 a.m. At 7:39 a.m., PO Quiros transported an officer to and from § 87(2)(b). At 8:28 a.m., she resumed patrol. At 8:55 a.m., she responded to a past larceny at Avenue A and East 88th Street (encl. H1-3).

CCRB Testimony

PO Quiros was interviewed at the CCRB on July 17, 2014 (encl. H4-5). She had no recollection of this incident. At the onset of her tour and after receiving her day’s assignment, she transported an officer to § 87(2)(b) at 7:39 a.m. and did not resume patrol until 8:28 a.m. PO Quiros did not recall what she did or if she went to the stationhouse before 8:55 a.m. She did not recall searching a female prisoner at the stationhouse prior to their transport to Central Booking, and she did not recall seeing an officer do so. She did not recall using profanity, including the word “fuck” or “shut the fuck, bitch.” She did not hear an officer utter those remarks to a civilian. PO Quiros was shown § 87(2)(b)’s arrest photograph, but she did not recognize her.

Other Officers Interviewed

PO Patricia Murcia, a § 87(2)(b)-old Hispanic female who stands 5’4”, weighs 180 pounds, and has black hair and brown eyes, was interviewed at the CCRB on August 19, 2014. However, as per her memo book, she was off-duty during this incident (encl. I1-4).

NYPD Documents

Arrest Report

§ 87(2)(a) 160.50

§ 87(2)(b)

§ 87(2)(b)

§ 87(2)(b)

§ 87(2)(b)

Command Log

On February 2, 2014, at 5:23 a.m., § 87(2)(b) was brought to the 67th Precinct stationhouse. Her physical and mental condition was apparently normal. It is noted that § 87(2)(b) had a previous shoulder injury from 2003. At 8:25 a.m., PO Chen and PO Robert

Cascalenda, both males, transported § 87(2)(b) to Central Booking (encl. K7). Between 5:23 a.m. and 8:25 a.m., PO Cubero was the only female officer noted in the command log. At 6:55 a.m., PO Cubero requested two hours and five minutes of overtime (encl. K8).

Interrupted Patrol Log

The only officers listed between 5:23 a.m., when § 87(2)(b) was logged in, and 8:25 a.m., when § 87(2)(b) was transported to Brooklyn Central Booking, was PO Alexander Kreamer and PO Joseph Formantes, who came to the stationhouse at 5:00 a.m. for their meal. PO Kreamer and PO Formantes are male (encl. K15).

Roll Call

PO Vetter, PO Quiros, and PO Cubero were the only white or Hispanic females on-duty during this incident (encl. K16-32).

Arrest for Incident and Disposition

- § 87(2)(b) [§§ 86(1)(3)&(4)] [§ 87(2)(c)]

Status of Civil Proceedings

- § 87(2)(b) filed a Notice of Claim with the City of New York on § 87(2)(b). She did not specify a course of redress (encl. C4-10). She was scheduled to testify in a 50-H hearing on § 87(2)(b) (encl. N4).

§ 87(2)(b) [§§ 86(1)(3)&(4)] [§ 87(2)(c)]

Civilian CCRB History

- This is the first CCRB complaint filed by § 87(2)(b) (encl. A2).

Officer CCRB History

- PO Vetter has been a member of the service for 6 years and there is no substantiated CCRB allegation against her (encl. A1).

Conclusion

Identification of Subject Officer

According to the roll call and officer interviews, PO Vetter was the only female officer who was assigned to stationhouse duties during this incident. Furthermore, her pedigree closely matched § 87(2)(b)'s description of the subject officer. § 87(2)(g)

Investigative Findings and Recommendations

- **Allegation A – Discourtesy: PO Vetter spoke discourteously to § 87(2)(b)**
- **Allegation B – Offensive Language: PO Vetter made remarks to § 87(2)(b) based upon her sex.**

§ 87(2)(b) alleged that PO Vetter told her, “Shut the fuck up, bitch.” However, PO Vetter did not recall this incident § 87(2)(g)

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Team: _____

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| Investigator: _____ | _____ | _____ |
| Signature | Print | Date |

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| Supervisor: _____ | _____ | _____ |
| Title/Signature | Print | Date |

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